

**Introduced by Senator Alarcon**February 20, 2004

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An act to amend Sections 79202 and 79203 of, and to add Section 69519 to, the Education Code, and to amend Sections 11320.1, 11325.2, 11325.22, 11325.4, and 11454 of, and to add Sections 11325.41 and 11329.5 to, the Welfare and Institutions Code, relating to CalWORKs, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1639, as introduced, Alarcon. CalWORKs recipients: education and training.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law requires CalWORKs recipients, unless exempt, to participate in welfare-to-work activities as a condition of eligibility for benefits.

Existing law requires that, to the extent that funding is provided in the annual Budget Act, a community college shall receive funding for educational services provided to CalWORKs recipients based on the number of CalWORKs recipients that are enrolled at the community college and the scope and number of programs that the college plans to offer to assist CalWORKs recipients to obtain employment. Existing law also requires that, prior to receiving funding, a community college shall submit to the chancellor a Request for Application which contains a plan for curriculum development or redesign, including participation by the county welfare department to establish that the programs being developed or redesigned will provide CalWORKs recipients with the training and experience necessary to secure employment.



This bill would revise that element of the required plan to provide that the vocational curricula for CalWORKs recipients includes English language proficiency.

Existing law provides that, to the extent that funding is provided in the annual Budget Act, funds received by a community college for curriculum development or redesign for CalWORKs recipients may be expended for purposes, including the development or redesign of vocational curricula for CalWORKs recipients so that courses may be offered as part of a short-term intensive program, including Open Entry and Open Exit programs.

This bill would include intensive English language immersion within the scope of that authorization.

Existing law establishes a sequence of employment-related activities that nonexempt CalWORKs recipients are required to participate in, including, at the first rank of order, job search, and provides that CalWORKs recipients shall, and CalWORKs applicants may, at the option of a county and with the consent of the applicant, as part of the job search activities, receive orientation to the welfare-to-work program, receive an appraisal and participate in job search and job club activities.

This bill would authorize, rather than require, nonexempt CalWORKs recipients to participate in those job search activities.

Existing law requires a county to conduct an appraisal at the time a CalWORKs recipient enters the welfare-to-work program, and requires the county to inform the recipient of the requirements to participate in the training opportunities available to a participant, and specifies the elements subject to the appraisal, including the participant's employment history and skills.

This bill would include educational attainment within that assessment element.

Existing law requires that upon referral to assessment, a participant in the welfare-to-work program is required to work with the county welfare department to develop and agree on a welfare-to-work plan on the basis of an assessment of the individual's skills and needs.

This bill would require that the assessment is to include an identification of career paths, education, and training consistent with the participant's skills and abilities that will enable the participant to reach economic self-sufficiency.



By expanding the responsibilities of the counties in the administration of the CalWORKs program, this bill would impose a state-mandated local program.

This bill would require that, prior to appraisal for welfare-to-work activities, each county inform each participant, in writing, about options for education and training, including enrolling in community college and other self-initiated programs.

By expanding the responsibilities of the counties in the administration of the CalWORKs program, this bill would impose a state-mandated local program.

Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Among other things, the Student Aid Commission administers the Cal Grant Program.

This bill would state that the Legislature encourages county welfare departments, including basic education, general equivalency diploma programs, postsecondary education, and other training that would help them gain employment in jobs that offer both sustainable, self-sufficiency-level wages, and the opportunity for advancement.

Existing law also contains certain maximum time limits upon the receipt of CalWORKs benefits, except individuals engaging in community service and work experience activities.

Existing law also provides that a parent or caretaker relative is not eligible for aid under the CalWORKs program when he or she has received aid for a cumulative period of more than 18 months after he or she has signed, or refused to sign without good cause, a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community work activities or community service or work experience. Existing law provides for a 24-month limitation with respect to a parent or caretaker relative receiving aid under the CalWORKs program prior to a deadline established for the implementation of the county's welfare-to-work program.

This bill would authorize the extension of the 18-month and 24-month limitations.

Existing law continuously appropriates money from the General Fund for the payment of benefits under the CalWORKs program.

By extending the period during which an individual may receive aid under the CalWORKs program after signing, or refusing to sign without



good cause, a welfare-to-work plan, this bill would result in an increase in the continuing appropriation for CalWORKs benefits, and would thus make an appropriation.

Because each county is required to pay for a share of the cost of aid grants and the administration of the CalWORKs program, by expanding eligibility through the extension of the time limitation on participation in the welfare-to-work program that qualify a recipient for the receipt of aid, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares the  
2 following:

3 (a) Research shows that postsecondary education and training,  
4 including career technical, Vocational ESL (VESL), and adult  
5 basic education, is the most reliable route to self-sufficiency for  
6 CalWORKs and other low-income parents.

7 (b) Low-income parents who complete higher levels of  
8 education are able to gain career-path employment at wages that  
9 support their families, and graduate off welfare and out of poverty.  
10 Moreover, parents who have higher levels of education are more  
11 likely to have children that succeed in school.

12 (c) In the absence of quality education and training  
13 opportunities, parents are led into unskilled, low-paying jobs that  
14 offer little hope for advancement and little chance for economic  
15 stability.



1 (d) The State of California believes that our communities are  
2 best served by matching residents to training and jobs that enable  
3 them to provide for themselves and their families.

4 (e) Quality, language-accessible training and education are  
5 critical to promoting long-term economic security for women and  
6 men.

7 (f) The most successful welfare-to-work programs include  
8 education and training as well as other services.

9 (g) Job training and postsecondary education can lead to higher  
10 earnings in the long run and greater success in the labor market.

11 (h) Expanding student financial aid resources for low-income  
12 students with children will enable low-income parents to pursue  
13 education and training opportunities.

14 It is therefore the intent of the State of California that programs  
15 operated under Temporary Aid to Needy Families (TANF)  
16 promote education and training for jobs that offer self-sufficient  
17 wages, integrate English as a Second Language (ESL) Vocational  
18 English as a Second Language (VESL) into job training programs,  
19 and provide opportunities for intensive English-language  
20 immersion courses.

21 It also the intent of the State of California to develop a state  
22 Student Parent Scholar grant program to provide support to  
23 CalWORKs and other low-income parents who are engaged in  
24 education and training programs.

25 SEC. 1.5. In addition, the Legislature encourages county  
26 welfare departments to utilize the California Self-Sufficiency  
27 Standard, or an equally specific income adequacy tool, as a client  
28 counseling and benchmarking tool to enable participants to move  
29 toward and reach economic self-sufficiency.

30 SEC. 2. Section 69519 is added to the Education Code, to  
31 read:

32 69519. It is the intent of the Legislature to enact legislation  
33 that would promote the attendance at two- and four-year public  
34 postsecondary institutions of CalWORKs recipients who have  
35 children, and to low-income working parents, by providing  
36 additional student financial aid under the Cal Grant Program, with  
37 the assistance of the Student Aid Commission.

38 SEC. 3. Section 79202 of the Education Code is amended to  
39 read:

79202. To the extent that funding is provided in the annual Budget Act, a community college shall receive funding for educational services provided to CalWORKs recipients based on the number of CalWORKs recipients that are enrolled at the community college and the scope and number of programs that the college plans to offer to assist CalWORKs recipients obtain employment. Prior to receiving funding, a community college shall submit to the chancellor a Request for Application which contains a plan for curriculum development or redesign. The plan shall include all of the following:

(a) Evidence that the curriculum will prepare students for an occupation that is in demand in the local labor market or that is in an emerging field that has documented employment potential.

(b) Participation by the county welfare department to establish that the programs being developed or redesigned will provide CalWORKs recipients with the training and experience necessary to secure employment, *including intensive English language proficiency*.

(c) Evidence of collaboration with local partners, such as employers, private industry councils, regional occupational programs, adult education providers, and affected counties in the development and design of the curriculum.

(d) Procedures to monitor CalWORKs recipients who complete the new curricula and transition into employment.

(e) A description of new courses for CalWORKs recipients that are designed to aid recipients with job-related advancement.

SEC. 4. Section 79203 of the Education Code is amended to read:

79203. To the extent that funding is provided in the annual Budget Act, funds received by a community college for curriculum development or redesign for CalWORKs recipients may be expended for all of the following purposes:

(a) To develop or redesign vocational curricula for CalWORKs recipients so that courses may be offered as part of a short-term intensive program, including Open Entry and Open Exit programs, *and including intensive language immersion*.

(b) To link CalWORKs courses to job placement through work experience and internships.

(c) To redesign basic education and ESL classes so that they may be integrated with vocational training programs.

(d) To expand the use of telecommunications in providing the new curricula to CalWORKs recipients.

SEC. 5. Section 11320.1 of the Welfare and Institutions Code is amended to read:

11320.1. Subsequent to the commencement of the receipt of aid under this chapter, the sequence of employment related activities required of participants under this article, unless exempted under Section 11320.3, shall be as follows:

(a) Job search. Recipients ~~shall~~, and applicants may, at the option of a county and with the consent of the *recipient or* applicant, receive orientation to the welfare-to-work program provided under this article, receive appraisal pursuant to Section 11325.2, and participate in job search and job club activities provided pursuant to Section 11325.22.

(b) Assessment. ~~If employment is not found during the period provided for pursuant to subdivision (a), or at any time the county determines that participation in job search for the period specified in subdivision (a) of Section 11325.22 is not likely to lead to employment, Within eight weeks of appraisal pursuant to~~ Section 11325.2 the participant shall be referred to assessment, as provided for in Section 11325.4. Following assessment, the county and the participant shall develop a welfare-to-work plan, as specified in Section 11325.21. The plan shall specify the activities provided for in Section 11322.6 to which the participant shall be assigned, and the supportive services, as provided for pursuant to Section 11323.2, with which the recipient will be provided.

(c) Work activities. A participant who has signed a welfare-to-work plan pursuant to Section 11325.21 shall participate in work activities until he or she has received aid for the period specified in subdivision (a) of Section 11454. If, after the period specified in paragraph (1) of subdivision (a) of Section 11454, the participant has not obtained unsubsidized employment, the county may extend the welfare-to-work plan by up to six months if the county determines that the extension is likely to lead to unsubsidized employment or if local unemployment or other conditions in the local economy are such that employment is not available. If a recipient has received aid for the period specified in subdivision (a) of Section 11454 and returns to aid after a break in aid of at least one month, the county shall determine whether to



1 require the recipient to participate in welfare-to-work activities or  
2 in community service.

3 (d) Community service.

4 (1) If a participant has received aid for the period specified in  
5 subdivision (a) of Section 11454, and the participant has not found  
6 unsubsidized employment sufficient to meet the hours of  
7 participation required by Section 11322.8 and the county has  
8 certified that no job is available for that participant, the participant  
9 shall remain eligible for aid under this chapter only if he or she  
10 participates in community service activities pursuant to Section  
11 11322.9, or the United States Department of Labor  
12 welfare-to-work grant program community service or work  
13 experience activities pursuant to Section 403(a)(5)(C)(i) of the  
14 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient  
15 hours to meet the participation requirements of Section 11322.8.

16 (2) The county shall provide community service activities  
17 assignments as described in Section 11322.9.

18 (3) An individual may participate in community service  
19 activities until he or she has received aid for a total of 60 months.

20 SEC. 6. Section 11325.2 of the Welfare and Institutions Code  
21 is amended to read:

22 11325.2. (a) At the time a recipient enters the  
23 welfare-to-work program, the county shall conduct an appraisal,  
24 pursuant to regulations adopted by the department, during which  
25 the recipient is informed of the requirement to participate in  
26 training opportunities available to a participant, and available  
27 supportive services. The appraisal shall provide information about  
28 the recipient in the following areas:

29 (1) Employment history and skills, *including educational*  
30 *attainment*.

31 (2) Need for supportive services as described in Section  
32 11323.2.

33 (b) This section shall not apply to individuals subject to Article  
34 3.5 (commencing with Section 11331) during the time that article  
35 is operative.

36 SEC. 7. Section 11325.22 of the Welfare and Institutions  
37 Code is amended to read:

38 11325.22. (a) (1) Following the appraisal required by  
39 Section 11325.2, all participants except those described in  
40 paragraph (4) of this subdivision, shall be assigned to participate



1 for a period of up to four consecutive weeks in job search activities.  
2 These activities may include the use of job clubs to identify the  
3 participant's qualifications. The county shall consider the skills  
4 and interests of the participants in developing a job search strategy.  
5 The period of job search activities may be shortened if the  
6 participant and the county agree that further activities would not  
7 be beneficial. Job search activities may be shortened for a recipient  
8 if the county determines that the recipient will not benefit because  
9 he or she may suffer from an emotional or mental disability that  
10 will limit or preclude the recipient's participation under this  
11 article.

12 (2) Nothing in this section shall require participation in job  
13 search activities, the schedule for which interferes with  
14 unsubsidized employment or participation pursuant to Section  
15 11325.23.

16 (3) Job search activities may be required in excess of the limits  
17 specified in paragraph (1) on the basis of a review by the county  
18 of the recipient's performance during job search to determine  
19 whether extending the job search period would result in  
20 unsubsidized employment.

21 (4) A person subject to Article 3.5 (commencing with Section  
22 11331) or subdivision (d) of Section 11320.3 shall not be required,  
23 but may be permitted, to participate in job search activities as his  
24 or her first program assignment following appraisal upon earning  
25 a high school diploma or its equivalent, if she or he has not already  
26 taken the option to complete these activities as the first program  
27 assignment following appraisal.

28 (b) (1) Upon the completion of job search activities, or a  
29 determination that those activities are not required in accordance  
30 with paragraph (3) of subdivision (a), the participant shall be  
31 assigned to one or more of the activities described in Section  
32 11322.6 as needed to attain employment.

33 (2) (A) The assignment to one or more of the program  
34 activities as required in paragraph (1) of this subdivision shall be  
35 based on the welfare-to-work plan developed pursuant to an  
36 assessment as described in Section 11325.4. The plan shall be  
37 based, at a minimum, on consideration of the individual's existing  
38 education level, employment experience and relevant  
39 employment skills, available program resources, and local labor  
40 market opportunities.

1 (B) An assessment pursuant to Section 11325.4 shall be  
2 performed upon completion of job search activities or at such time  
3 as it is determined that job search will not be beneficial.

4 (C) Notwithstanding subparagraphs (A) and (B), an  
5 assessment shall not be required to develop a welfare-to-work plan  
6 for a person who is participating in an approved self-initiated  
7 program pursuant to Section 11325.23 unless the county  
8 determines that an assessment is necessary to meet the hours  
9 specified in Section 11325.23.

10 (3) A participant who lacks basic literacy or mathematics skills,  
11 a high school diploma or general educational development  
12 certificate, or English language skills, shall be assigned to  
13 participate in adult basic education as described in subdivision (k)  
14 of Section 11322.6, as appropriate and necessary for removal of  
15 the individual's barriers to employment.

16 (4) Participation in activities assigned pursuant to this section  
17 may be sequential or concurrent. The county may require  
18 concurrent participation in the assigned activities if it is  
19 appropriate to the participant's abilities, consistent with the  
20 participant's welfare-to-work plan, and the activities can be  
21 concurrently scheduled.

22 (5) The participant has 30 days from the beginning of the initial  
23 training or education assignment in which to request a change or  
24 reassignment to another component. The county shall grant the  
25 participant's request for reassignment if another assignment is  
26 available that is consistent with the participant's welfare-to-work  
27 plan and the county determines the other assignment will readily  
28 lead to employment. This grace period shall be available only once  
29 to each participant.

30 (c) Any assignment or change in assignment to a program  
31 activity pursuant to this section shall be included in the  
32 welfare-to-work plan, or an amendment to the plan, as required in  
33 Section 11325.21.

34 (d) A participant who has not obtained unsubsidized  
35 employment upon completion of the activities in a  
36 welfare-to-work plan developed pursuant to the job search  
37 activities required by subdivision (a) and an assessment required  
38 by subdivision (b) shall be referred to reappraisal as described in  
39 Section 11326, unless he or she is required to be assigned to  
40 community service pursuant to Section 11322.9.

(e) The criteria for successful completion of an assigned education or training activity shall include regular attendance, satisfactory progress, and completion of the assignment. A person who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to this section shall be subject to Sections 11327.4 and 11327.5.

(f) Except as provided in paragraph (4) of subdivision (a), this section shall not apply to individuals subject to Article 3.5 (commencing with Section 11331) during the time that article is operative.

(g) *Nothing in this section precludes assessments from overlapping with job search activities.*

SEC. 8. Section 11325.4 of the Welfare and Institutions Code is amended to read:

11325.4. (a) Upon referral to assessment, a participant shall work with the county welfare department to develop and agree on a welfare-to-work plan on the basis of an assessment of the individual's skills and needs. The assessment shall include at least all of the following:

(1) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.

(2) The participant's educational history and present educational competency level.

(3) The participant's need for supportive services in order to obtain the greatest benefit from the employment and training services offered under this article.

(4) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.

(5) Local labor market information.

(6) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.

(7) (A) *An identification of career paths, education, and training consistent with the participant's skills and abilities that will enable the participant to reach economic self-sufficiency.*

(B) *For purposes of this paragraph, "self-sufficiency" means the level of income needed for a family of a particular composition in a particular county to adequately meet their basic needs, taking*

1 *into account the costs of housing, child care, food, transportation,*  
2 *health care, miscellaneous costs, taxes, and tax credits.*

3 (b) The county may contract with outside parties, including  
4 local educational agencies and service delivery areas, to provide  
5 the assessment.

6 (c) (1) Notwithstanding the procedures set forth in Chapter 7  
7 (commencing with Section 10950) of Part 2, if the participant and  
8 assessor are unable to reach agreement on the welfare-to-work  
9 plan, the matter shall be referred by the county for an independent  
10 assessment by an impartial third party. The results of this  
11 assessment, which shall be binding upon the county and the  
12 participant, shall be used to develop the appropriate plan for the  
13 participant.

14 (2) No third party assessment under this subdivision shall be  
15 made by a party having any financial or other interest in the result  
16 of the assessment. The party making the assessment shall be  
17 selected by the county according to an unbiased procedure.

18 (d) This section shall not apply to individuals subject to Article  
19 3.5 (commencing with Section 11331) during the time that article  
20 is operative.

21 SEC. 9. Section 11325.41 is added to the Welfare and  
22 Institutions Code, to read:

23 11325.41. Prior to the appraisal for welfare-to-work  
24 activities, each county shall inform each participant, in writing, of  
25 options for education and training, including enrollment in  
26 community colleges and other self-initiated programs.

27 SEC. 10. Section 11329.5 is added to the Welfare and  
28 Institutions Code, to read:

29 11329.5. The Legislature encourages county welfare  
30 departments, in implementing this chapter, to allow  
31 welfare-to-work participants to develop skills, including basic  
32 education, general equivalency diploma programs, postsecondary  
33 education, and other training that would help them gain  
34 employment in jobs that offer both sustainable, self-sufficiency  
35 level wages, and the opportunity for advancement.

36 SEC. 11. Section 11454 of the Welfare and Institutions Code  
37 is amended to read:

38 11454. (a) (1) Except as otherwise provided in this chapter  
39 and in paragraph (2), a parent or caretaker relative shall not be  
40 eligible to receive aid for a cumulative period of more than 18



1 months after the individual signs, or refuses, without good cause,  
2 to sign a welfare-to-work plan, unless it is certified by the county  
3 that there is no job currently available for the recipient and the  
4 recipient participates in community service activities, pursuant to  
5 Section 11322.9, or the United States Department of Labor  
6 welfare-to-work grant program community service or work  
7 experience activities pursuant to Section 403(a)(5)(C)(i) of the  
8 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient  
9 hours to meet the participation requirements of Section 11322.8.

10 (2) A parent or caretaker relative recipient who is subject to the  
11 requirements of paragraph (2) of subdivision (c) of Section 10532  
12 shall not be eligible to receive aid under this chapter for a  
13 cumulative period of more than 24 months, unless it is certified by  
14 the county that there is no job currently available for the recipient  
15 and the recipient participates in community service activities  
16 pursuant to Section 11322.9, or the United States Department of  
17 Labor welfare-to-work grant program community service or work  
18 experience activities pursuant to Section 403(a)(5)(C)(i) of the  
19 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for sufficient  
20 hours to meet the participation requirements of Section 11322.8.

21 (3) For purposes of this subdivision, a job shall not be  
22 considered to be currently available if a recipient has taken and  
23 continues to take all steps to apply for appropriate positions and  
24 has not refused an offer of employment without good cause.

25 (4) A parent or caretaker relative recipient to whom paragraph  
26 (1) or (2) applies, who is in a job for less than the number of hours  
27 required by Section 11322.8, and for whom no job is currently  
28 available for the required number of hours, shall remain eligible  
29 for aid under this chapter and shall participate in community  
30 service activities or the United States Department of Labor  
31 welfare-to-work grant program community service or work  
32 experience activities pursuant to Section 403(a)(5)(C)(i) of the  
33 Social Security Act (42 U.S.C. Sec. 603(a)(5)(C)(i)) for the  
34 additional number of hours necessary to meet the requirements of  
35 Section 11322.8.

36 (b) A parent or caretaker relative shall not be eligible for aid  
37 under this chapter when he or she has received aid under this  
38 chapter or from any state under the Temporary Assistance for  
39 Needy Families program (Part A (commencing with Section 401)

1 of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601  
2 et seq.) for a cumulative total of 60 months.

3 (c) No month in which aid has been received prior to January  
4 1, 1998, shall be taken into consideration in computing the  
5 18-month, 24-month, or 60-month limitation provided for in  
6 subdivision (a) or (b).

7 (d) Each county shall adopt criteria for extending the 18-month  
8 limitation prescribed by subdivision (a) for up to six months if the  
9 extension is likely to result in unsubsidized employment or if local  
10 unemployment rates or other conditions in the local economy are  
11 such that employment is not available.

12 (e) Subdivision (b) shall not be applicable when all parent or  
13 caretaker relatives of the aided child who are living in the home of  
14 the child meet any of the following requirements:

15 (1) They are 60 years of age or older.

16 (2) They meet one of the conditions specified in paragraph (4)  
17 or (5) of subdivision (b) of Section 11320.3.

18 (3) They are not included in the assistance unit.

19 (4) They are receiving benefits under Section 12200 or Section  
20 12300, State Disability Insurance benefits or Workers'  
21 Compensation Temporary Disability Insurance, if the disability  
22 significantly impairs the recipient's ability to be regularly  
23 employed or participate in welfare-to-work activities.

24 (5) They are incapable of maintaining employment or  
25 participating in welfare-to-work activities, as determined by the  
26 county, based on the assessment of the individual and the  
27 individual has a history of participation and full cooperation in  
28 welfare-to-work activities.

29 (f) *The 18-month and 24-month limitations specified in*  
30 *subdivision (a) shall be extended for recipients who are enrolled*  
31 *in educational, vocational, or job training programs that have*  
32 *been approved by the county to the extent needed in any of the*  
33 *following circumstances:*

34 (1) *The end of the 18-month or 24-month period occurs within,*  
35 *and prior to the completion of, the period of a school term and*  
36 *additional time is need to complete the term.*

37 (2) *The participant was employed an average of at least 20*  
38 *hours per week, which prevented full-time participation in, or*  
39 *completion of, the educational, vocational, or job training*  
40 *program within the time limits described in subdivision (a).*

1     (3) *The participant has been diagnosed with a physical or*  
2 *mental condition or learning disability that prevents full-time*  
3 *participation in, or completion of, the educational, vocational, or*  
4 *job training program.*

5     (4) *The participant is enrolled in, and making satisfactory*  
6 *progress in accordance with academic standards established*  
7 *pursuant to Section 70901 of the Education Code, in a community*  
8 *college program that can be completed within an additional 24*  
9 *months.*

10    (5) *The participant is enrolled in English as a Second*  
11 *Language (ESL), Vocational English as a Second Language*  
12 *(VESL), Functional Context Education ESL, or intensive English*  
13 *programs or courses.*

14    SEC. 12. Notwithstanding Section 17610 of the Government  
15 Code, if the Commission on State Mandates determines that this  
16 act contains costs mandated by the state, reimbursement to local  
17 agencies and school districts for those costs shall be made pursuant  
18 to Part 7 (commencing with Section 17500) of Division 4 of Title  
19 2 of the Government Code. If the statewide cost of the claim for  
20 reimbursement does not exceed one million dollars (\$1,000,000),  
21 reimbursement shall be made from the State Mandates Claims  
22 Fund.

